



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/849,746 09/05/97 LOHER

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IM62/0615

EXAMINER

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SUITE 6024  
NEW YORK NY 10118

GRAY, R

ART UNIT PAPER NUMBER

1732

11

DATE MAILED:

06/15/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/849,746	September 5, 1997	Urs Loher et al.	

1

EXAMINER	
Gray	
ART UNIT	PAPER NUMBER
1732	11

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The amendment filed on March 29, 1999 (Paper No. 10) has been presented with improperly amended claims. The amendments made to claims 1-16 fail to comply with the provisions of 37 C.F.R. 1.121 and are accordingly held non-responsive. It is noted that Applicants presented a preliminary amendment filed June 16, 1997. Accordingly, the preliminary amendment should be considered prior to making further amendments. —

*The current amendments are improper at least for the following reasons:*

- a. In claim 3, line 1, "or 2" was deleted by the preliminary amendment and is not underlined in the instant amendment such that it may be added back to the claim.
- b. In claim 4, line 1, "or 2" is considered new matter in that it is not supported. The preliminary amendment of 6-16-97 requested deletion of "or 2", but was not entered because "to 2" was presented in the original claim.
- c. The amendments to claims 5-16 include the amendments presented in the preliminary amendment.

Brackets and/or underlining should appear where additions or deletions occur. *See 37 C.F.R. 1.121.* Applicants are cautioned to properly follow the requirements of *37 C.F.R. 1.121* when presenting future amendments.

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**Notice of Non-Responsive Amendment**

Future amendments to the claims should be made in accordance with 37 CFR 1.121(b) which

states:

(b) Except as otherwise provided herein, a particular claim may be amended only by directions to cancel or by rewriting such claim with underlining below the word or words added and brackets around the word or words deleted. The rewriting of a claim in this form will be construed as directing the cancellation of the original claim; however, the original claim number followed by the parenthetical word "amended" must be used for the rewritten claim. If a previously rewritten claim is rewritten, underlining and bracketing will be applied in reference to the previously rewritten claim with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number.

A supplemental paper correcting the informal portions and complying with the rule is required.

Applicants are given a ONE MONTH TIME LIMIT from the date of this letter, or until the expiration of the period for response set in the last Office action, whichever is longer, to complete the response. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b), but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Gray whose telephone number is (703) 305-7251. The best time to reach the examiner is on Monday-Friday from 8:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Jan H. Silbaugh, can be reached at (703) 308-3829. The fax number for group 1730 is (703) 305-7718. When filing a fax in Group 1730, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and use fax number (703) 305-7718. For

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**Notice of Non-Responsive Amendment**

**"Official After Final Faxes", please use fax number (703) 305-3599. For "unofficial" draft documents and other communication with the PTO that are not for entry into the file of the application, use fax number (703) 305-7115. This will expedite processing of papers.**

**Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.**

Robin S. Gray

June 7, 1999

*Jan H. Silbaugh*  
JAN H. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
ART UNIT 1732

06/11/99